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SUBJECT: ISLAMIC SHARIA DEBATE--WORDS FOLLOWED BY ANOTHER
STALL

REF: CAIRO 6360

11. CONFIDENTIAL - ENTIRE TEXT.

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12. BEGIN SUMMARY. THE MAY DEBATE IN THE PEOPLES ASSEMBLY ON ISLAMIC SHARIA WILL PRODUCE NO IMMEDIATE RESULTS, ACCORDING TO GOVERNMENT AND POLITICAL SOURCES, INCLUDING THE OPPOSITION. IT IS LIKELY TO LAUNCH A REVIEW PROCESS LASTING SEVERAL YEARS TO ENSURE THAT EXISTING LEGISLATION IS IN ACCORDANCE WITH SHARIA. THE LEADERSHIP OF THE OPPOSITION NEW WAFD PARTY AND OF THE MUSLIM BROTHERHOOD ARE ON BOARD ABOUT THIS PROCESS, AND THERE ARE INDICATIONS OF POSSIBLE TACIT COMPROMISES BETWEEN THE GOVERNING NATIONAL DEMOCRATIC PARTY (NDP) AND WAFD ABOUT THE SUBSTANCE OF SHARIA ISSUES. ALTHOUGH MAJOR POLITICAL FORCES HAVE APPARENTLY ESTABLISHED A "DETENTE" OVER SHARIA, HOWEVER, ISLAMIC DEMAGOGUERY AND VIOLENCE BY UNDERGROUND ISLAMIC EXTREMISTS ARE DANGERS THAT WILL PERSIST EVEN AS THE SHARIA PROCESS ROLLS FORWARD IN THE UNCERTAIN ECONOMIC CONDITIONS OF THE COUNTRY. END SUMMARY.
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13. SINCE OUR RECENT REPORT ON THE COMING PEOPLES ASSEMBLY DEBATE OF ISLAMIC SHARIA (KORANIC LAW) IN MAY (SEE REF A), IT HAS BECOME CLEAR THAT THIS DEBATE WILL PRODUCE NO IMMEDIATE RESULTS. ACCORDING TO A RANGE OF WELL-PLACED SOURCES, THE ASSEMBLY DISCUSSIONS WILL LEAD TO A LAW-BY-LAW REVIEW OF EXISTING LEGISLATION TO ENSURE THAT EACH AND EVERY LAW IS IN ACCORDANCE WITH SHARIA PROVISIONS. THIS PROCESS IS EXPECTED TO TAKE AT LEAST SEVERAL YEARS. LEADING ELEMENTS OF THE NEW WAFD PARTY, AND OF THE MUSLIM BROTHERHOOD NOW ALLIED TO IT, HAVE CONFIRMED PRIVATELY TO US THEIR UNDERSTANDING AND ACCEPTANCE OF THIS DELIBERATE PROCESS. THEIR AGREEMENT, ADDED TO THE NATIONAL DEMOCRATIC PARTY'S DOMINATION IN THE ASSEMBLY, ROBS THE COMING DEBATE OF SOME OF ITS DRAMA AND DECREASES THE CHANCES OF NEGATIVE SIDE EFFECTS.
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14. THIS SCENARIO REFLECTS THE TACTICS OF PRESIDENT MUBARAK, ABLY SUPPORTED BY HIS SPEAKER OF THE PEOPLES ASSEMBLY, RIFAAT EL MAHGOUB; THEY ARE WILLING TO LET ISLAMIC SENTIMENT BE EXPRESSED FREELY, BUT NOT TO THE POINT OF THREATENING THE POLITICAL STATUS QUO. GOVERNMENT AND NDP CIRCLES HAVE BEEN SPREADING THE WORD QUIETLY BUT FIRMLY THAT THE PRESIDENT HAS NO INTENTION OF LETTING THE SHARIA ISSUE GET OUT OF CONTROL. COMMENTING IN A PRESS INTERVIEW ON A DEMAND BY GAD AL-HAQ, THE GRAND SHEIKH OF AL-AZHAR (WHO OCCUPIES THE MOST PROMINENT ISLAMIC POST IN EGYPT), FOR THE APPLICATION OF ISLAMIC SHARIA, MUBARAK STATED THAT EGYPTIAN LAWS "DO NOT CONFLICT IN ANY WAY WITH THE ISLAMIC RELIGION AND ARE 99 PERCENT IN ACCORDANCE WITH ISLAMIC SHARIA." MUBARAK DID NOT GET INTO THE SPECIFICS OF THE REMAINING "ONE PERCENT," OR THE EXTENT OF CHANGES IN LAWS REGARDING SUCH MATTERS AS BANKING PRACTICES OR ISLAMIC PUNISHMENTS. (WE HEAR FROM OTHER SOURCES THAT "TINKERING" WITH EGYPTIAN LEGISLATION WILL FOCUS IN THE BANKING AREA, WITH THE SUBSTITUTION OF "FEES" AND "SHARED OWNERSHIP" FOR INTEREST; ISLAMIC PUNISHMENTS ARE SAID TO BE OUT OF THE QUESTION.) MUBARAK'S POINT, OF COURSE, IS THAT NOTHING MUCH NEEDS TO BE ALTERED.
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15. THIS VIEWPOINT IS DRAMATICALLY OPPOSED TO THAT OF SHARIA PROPONENTS, WHO WOULD LIKE NOTHING MORE THAN TO THROW OUT THE ENTIRE EGYPTIAN LEGAL SYSTEM--WITH ALL OF ITS FOREIGN ACCRETIONS--AND REPLACE IT WITH "THE FULL IMPLEMENTATION OF ISLAMIC SHARIA." ACCORDING TO THE ORIGINATOR OF THIS "99 PERCENT" REASONING, STATE SECURITY COURT CHIEF JUSTICE SAID AL-ASHMAWY, MUBARAK'S ADOPTION OF HIS STAND SHOWS THAT THE PRESIDENT IS ABSOLUTELY DETERMINED NOT TO ALLOW "THE SHEIKHS" TO GAIN CONTROL OF EGYPTIAN LAW.

16. AL-ASHMAWY ALSO TOLD US THAT HIS ARGUMENTS AGAINST "FULL SHARIA" HAVE RECENTLY WON SUPPORT IN THE WAFD PARTY AS IT PREPARES FOR THE ASSEMBLY DEBATE. HE MENTIONED THE NAMES OF MUMTAZ NASSAR AND WAHEED RAAFAT, TWO SENIOR PARTY FIGURES AND BOTH LEGAL EXPERTS, SUGGESTING AN INFORMAL UNDERSTANDING ABOUT THE DELIBERATE PACE OF VERY LIMITED LEGAL CHANGE. MUMTAZ NASSAR, WAFD LEADER IN THE PEOPLES ASSEMBLY, RECENTLY TOLD US HIMSELF THAT THE WAFD AGREES WITH THE LENGTHY TIMETABLE FOR SHARIA REVIEW. PRAISING PRESIDENT MUBARAK'S "DEMOCRATIC" APPROACH (COMPARED TO THAT OF SADAT AND NASSER), NASSAR IMPLIED THAT ACCEPTABLE COMPROMISES BETWEEN THE WAFD AND THE NDP ARE ALREADY IN SIGHT OVER THE QUESTION OF THE BANKING SYSTEM AND ISLAMIC SHARIA.

17. COMMENT. WE SENSE A CERTAIN SATISFACTION IN GOVERNMENT AND SECULAR POLITICAL CIRCLES OVER PROSPECTIVE SUCCESS IN CONTAINING THE SHARIA DEBATE, WITH THE WAFD AND MUSLIM BROTHERHOOD LEADERSHIP EVIDENTLY ON BOARD. HOWEVER, THERE IS NO ROOM FOR COMPLACENCY. HAVING A KIND OF DETENTE BETWEEN THE MAJOR LICENSED POLITICAL ORGANIZATIONS DOES NOT RULE OUT ISLAMIC DEMAGOGUERY OR VIOLENCE INSTIGATED BY EXTREMIST ISLAMIC GROUPS.

18. ADDED COMMENT. SHARIA PROPONENTS HAVE BEEN THROUGH THIS BEFORE. SADAT'S RESPONSE TO THEIR DEMANDS WAS TO ESTABLISH COMMITTEES AND LET THEM DRAFT LAWS, A PROCESS WHICH LASTED FIVE YEARS AND ENDED WITH NO LEGISLATION BEING PASSED. NOW, IT SEEMS WE ARE TO SEE A REVERSE PROCESS: MORE COMMITTEES TO STUDY EXISTING LAWS AND AGAIN, LITTLE REAL CHANGE IN THE LEGAL STATUS QUO. THE GOVERNMENT CAN BE EXPECTED TO MAKE THE MOST OF MARGINAL ISLAMIC IMPROVEMENTS TO CURRENT LAW, SO AS TO PREVENT THE SHARIA ISSUE FROM STRIKING AN ISLAMIC SPARK AMONG THE MUSLIM MASSES. THIS MAY MEAN A POLITICAL ATMOSPHERE AND LEGAL STRUCTURE WITH marginally more ISLAMIC coloration. END COMMENT.

VELIOTES